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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,752	01/26/2004	Hanspeter Bloch	0127-088P/A/JAB	8764
22831	7590	03/20/2006	EXAMINER	
SCHWEITZER CORNMAN GROSS & BONDELL LLP 292 MADISON AVENUE - 19th FLOOR NEW YORK, NY 10017			KRUER, STEFAN	
			ART UNIT	PAPER NUMBER
			3654	

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/764,752	BLOCH ET AL.	
	Examiner Stefan Kruer	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1 - 5 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1 - 5 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 January 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 - Certified copies of the priority documents have been received in Application No. _____.
 - Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>05/19/2004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claim 1 is rejected under 35 U.S.C. 102(a) as being anticipated by Henley (WO 99/43589).

Henley anticipates a support column (24) extending the length of the shaft with guide rails (60,62) disposed along the length of the support column and a lift drive (42) supported on the guide rails and support column via a support member (36), thereby transmitting the load of the drive to the base (34) of the shaft pit.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 – 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henley in view of Schaefer et al (US 5,975,480), and in further view of Spuhl (US 3,631,960).

Regarding Claims 2 - 4, Henley anticipates a drive (42, Fig. 2) mounted on a base plate (36) which has a region that extends beyond the guide rails; however, he is silent regarding the mounting means and the adjustability thereof. The use of hexagonal mounting bolts for securing motors and drives to their base plates and or support platforms are quite common to the art, as are mechanical

adjusting means to facilitate alignment of said motors and drives. As example, Schaefer teaches a motor carriage (18) having a base plate (18) mounted on elongated rails (22), whereby horizontal adjustment of the motor (carriage) by means of a threaded, hexagonal bolt (50) is achieved. Spuhl teaches further an adjustment means (131, 132) acting against his rail (127) in a vertical direction, whereby his alignment device is of the design for repeated operation while maintaining proper alignment.

It would have been obvious to one of ordinary skill in the art to provide the invention of Henley with the teachings of the state of the art as depicted in part by Schaefer and Spuhl to afford the technician the means to align a drive in the field, and offer as bearing surface either the guide rail(s), support column(s) or other.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Henley in view of VIITA-AHO (WO 00/15535).

Though Henley is silent regarding the structure of his support column, VIITA-AHO teaches his "... auxiliary supports...may consist of various steel... structures..." that "...are sufficiently rigid and have a sufficient load-bearing capacity..." (Page 5, Line 34). Wherein, further, the use of steel columns of square hollow construction are typical to industry as a cost-effective, in terms of fabrication, handling and installation, support means, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the invention of Henley with a cost-effective support element of VIITA-AHO and industry in general.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Orrman et al (US 2002/0017434), Hoey (US 1,511,336) and Lane (US 5,845,745) are cited for reference of an elevator having a drive motor mounted at the upper ends of guide rails, an adjustable mounting device for slide rails and bed plates of motors and an elevator system having its drive mounted atop channel guide rails.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Kruer whose telephone number is 571.272.5913. The examiner can normally be reached on M-F, 09:00 - 17:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 571.272.6951. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866.217.9197 (toll-free).

SHK
14 Mar. 2006

Kathy Matecki
KATHY MATECKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600